

# CONSUMER-OWNED SATELLITE DISHES AND OTHER ANTENNAS

*FyI - from Bill King (related to Fort Knox Brookline)*

The Federal Communications Commission (FCC) has rules about restrictions on the placement of consumer-owned satellite dishes and other types of antennas (Over-the-Air-Reception Devices or "OTARD" Rules).

FCC rules prohibit local governments, landlords, community associations, or similar groups from restricting a resident from installing and using an antenna that is covered under the OTARD rules. These rules only apply to properties or areas of properties that the antenna user owns, leases or rents and areas where the user has exclusive use or control. The rules apply to properties used for commercial purposes just as they apply to residential properties.

## What Types of Antennas Are Covered Under the OTARD Rules?

The following antennas or dishes are covered by these rules:

- a "dish" antenna one meter (39.37 inches) or less in diameter (or any size in Alaska) designed to receive direct broadcast satellite service or to receive and transmit fixed wireless signals via satellite;
- an antenna one meter in diameter or less designed to receive wireless cable or to receive or transmit fixed wireless signals other than by satellite; and
- commercially-available analog and digital television antennas.

Antennas used for amateur ("Ham") radio, CB radio, FM or AM radio service, satellite radio or used as part of a hub to relay signals among antennas are NOT covered by these rules.

## What Types of Property Are Covered?

OTARD rules apply to antenna users who place antennas that meet size limitations on properties they own or rent and that are within their exclusive use or control. This includes single family homes, condominiums, cooperatives, townhomes, and manufactured homes. In the case of condominiums, cooperatives, and rental property, the rules apply to an area where the viewer has exclusive use, like a terrace, balcony or patio. "Exclusive use" means an area of the property that only you, and persons you permit, may enter and use. If the area is shared with others or accessible without your permission, it is not generally considered "exclusive use."

OTARD rules **do not** apply to common areas that are owned by a landlord, a community association or jointly by condominium owners. These common areas may include the roof or exterior walls of a multiple dwelling unit.

Under certain conditions, if a common antenna is available for use by residents, then the community association or landlord may reject or not permit the installation of an individually owned antenna or satellite dish, provided the service and costs are the same.



## **Are There Any Other Restrictions On Where I Cannot Install My Dish or Antenna?**

Restrictions necessary to prevent damage to leased property are permissible, as long as the restrictions are reasonable. For example, a lease restriction that forbids tenants from drilling holes through exterior walls or through the roof is likely to be permissible.

An association, landlord or local government may impose certain restrictions when safety is a concern or where a historic site is involved. An example of a safety restriction would be installing an antenna on a fire escape. Safety restrictions should be narrowly written so that they are no more burdensome than necessary to address an articulated and legitimate safety purpose.

## **Installation Requirements for Fixed Wireless Antennas that Receive and Transmit**

The FCC requires fixed wireless antennas capable of receiving and transmitting voice and data services to meet certain guidelines regarding radiation exposure limits and environmental standards. Given these limits and standards, it is permissible for fixed wireless providers to require that their equipment be professionally installed.

For more information on these restrictions, see [www.fcc.gov/mb/facts/otard.html](http://www.fcc.gov/mb/facts/otard.html).

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